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Dated: August 24, 2004

Signature: Jeffrey J. SharpDocket No.: 30471/40342  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of:

STREBEL et al.

Application No.: 10/502,477

(U.S. National Stage of PCT/CH02/00065)

Filed: July 23, 2004

Art Unit: Not Yet Assigned

For: High Throughput Screening Method for  
Compounds With Non-, Pro-, Or Anti-  
Apoptotic Or Proliferative Or Necrotic Activity

Examiner: Not Yet Assigned

**INFORMATION DISCLOSURE STATEMENT (IDS)**Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO-1449. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

Applicants have become aware of the following documents, cited in the European Search Report issued October 18, 2003, during the prosecution of International Application No. PCT/CH02/00065, which corresponds to the above referenced application, and in accordance with 37 CFR 1.97(c) and (e)(1) or (b)(3), hereby submit these documents for the Examiner's consideration. These documents are cited on the enclosed PTO-1449 form, and a copy of the International Search Report and each document cited thereon are enclosed as well.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)).

A concise explanation of relevance of the items listed on form PTO/SB/08 is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

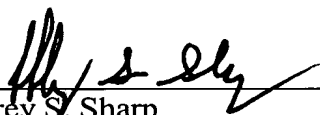
It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 13-2855, under Order No. 30471/40342. A duplicate copy of this paper is enclosed.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP  
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By:

  
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Registration No. 31,879  
Attorney for Applicants

August 24, 2004

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PTO/SB/08a/b (08-03)

Approved for use through 07/31/2006. OMB 0651-0031  
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Substitute for form 1449A/B/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 2

**Complete if Known**

Application Number	10/502,477
Filing Date	July 23, 2004
First Named Inventor	Alessandro Strebel
Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned
Attorney Docket Number	30471/40342

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	A*	US-10/786,624		Harr et al.	
	B	US-5,945,291	11/1997	Bolton et al.	
	C	US-5,958,713	03/1997	Thastrup et al.	
	D	US-6,172,188	03/1997	Thastrup et al.	
	E	US-6,207,801	05/1997	Alnemri	
	F	US-6,723,567	04-20-2004	Harr et al.	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
	G	DE-DE 197 52 922 A	06-02-1999			
	H	DE-DE 198 05 229 A	08-12-1999			
	I	EP-EP 0 806 668 A2	11-12-1997			
	J	EP-EP 0 928 968 A	07-14-1999			
	K	WO-WO 95/27903	10-19-1995			
	L	WO-WO 97/11094	03-27-1997			
	M	WO-WO 97/14812	04-24-1997			
	N	WO-WO 99/28499 A	06-10-1999			
	O	WO-WO 99/35493	07-15-1999			

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	P	Arends, M.J., et al. Int. Rev. Exp. Pathol. 32, 223 (1991)	
	Q	Ball, PE., et al. Differentiation 24, 74-78 (1983)	
	R	Boukamp, P.A., et al. J. Cell Biol. Mar. 106 (3), 761-771 (1988)	
	S	Chalfie, M., et al. Science 263, 802-805 (1994)	
	T	Cormack, B.P., et al. Gene 173, 33-38 (1996)	
	U	Gavrieli, Y., et al., J. Immunol Biol. 119 (3) 493-501 (1992)	
	V	Hahne, M., et al. Science 274, 1363-1366 (1996)	
	W	Inouye, S., et al., FEBS Letters 341, 277-280 (1994)	
	X	International Preliminary Examination Report corresponding to International Patent Application Serial No. PCT/IB99/00030, dated 19.04.2000, European Patent Office, 12 pages.	
	Y	International Search Report corresponding to International Patent Application Serial No. PCT/IB99/00030, dated 09/03/1999, European Patent Office, 3 pages.	
	Z	International Search Report, corresponding to International Patent Application Serial No. PCT/CH02/00065, European Patent Office, dated October 18, 2002.	
	AA	Itoh, N., et al. Cell 66, 233-43 (1991)	

Examiner Signature		Date Considered	
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PTO/SB/08a/b (08-03)

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Substitute for form 1449A/B/PTO				<b>Complete if Known</b>	
				Application Number	10/502,477
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				Filing Date	July 23, 2004
				First Named Inventor	Alessandro Strebel
				Art Unit	Not Yet Assigned
				Examiner Name	Not Yet Assigned
				Attorney Docket Number	30471/40342
Sheet	2	of	2		

AB	Jeremias, I., et al., Eur. J. Immunol. 28, 143-152 (1998)	
AC	Jones, R., et al., J. Biomol. Screen, 5 (5), 307-318 (2000)	
AD	Lamm, G.M., et al. Nucleic Acids Research 25. (23), 4855-4857 (1997)	
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AF	Luo, K.Q., et al. Biochem. Biophys. Res. Commun. 283 (5), 1054-1060 (2001)	
AG	Mahajan, N.P., et al. Chem. Biol. 6 (6), 401 (1999)	
AH	Nicoletti, I., et al., J. Immunol Methods 139 (2), 271-279 (1991)	
AI	O'Connell, J., et al. J. Exp. Med. 184, 1075-1082	
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AO	Steff, A.M., et al. Cytometry 45 (4), 237-243 (2001)	
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AT	Tawa, P., et al. Cell Death Differ. 8 (1), 30-37 (2001)	
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BA	Wyllie, A.H., Nature 284, 555 (1980)	
BB	Zhang, R.D., et al., Cancer Res 51 (8), 2029-2035 (1991)	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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Application No. (if known): 10/502,477

Attorney Docket No.: 30471/40342

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IDS (Citation) by Applicant